IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 25TH JULY 2007 / 3RD SRAVANA 1929

WA.No. 116 of 2003(B)

AGAINST THE JUDGEMENT IN OP.20679/2002 Dated 24/07/2002
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APPELLANT: PETITIONER IN O.P.

PAREEKUTTY, MANTHANA HOUSE,
PANTHEERANKAVU P.O., KOZHIKODE 19.

BY ADV. SRI.A.SUDHI VASUDEVAN
SMT.BINDU K. NAIR

RESPONDENTS: RESPONDENTS IN O.P.
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1. STATE OF KERALA, REP. BY ITS SECRETARY,
DEPARTMENT OF EDUCATION, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF EDUCATION,
THIRUVANANTHAPURAM.

3. THE DEPUTY DIRECTOR OF EDUCATION,
THIRUVANANTHAPURAM.

4. THE MANAGER, M.U.P.SCHOOL,
KUNNAMKULANGARA, KOZHIKODE.

5. BALAKRISHNAN,
HEADMASTER, M.U.P.SCHOOL,
KUNNAMKULANGARA, KOZHIKODE.

BY GOVERNMENT PLEADER K.SANDHESH RAJA
SMT.G.PRATHISHYA

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 25/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN & ANTONY DOMINIC, JJ

W.A. 116/2003

Dated this the 25th day of July, 2007

JUDGMENT

Radhakrishnan, J.

Vacancy of the Headmaster arose on 1.5.1993. Evidently, on the date of occurrence of the vacancy, petitioner was not qualified. Hence he was not appointed to that post. This provision has been stated in the Ext.P7 dated 1.2.2002. Learned Judge also not considered the request on the part of the petitioner in agitating his claim. Counsel for the appellant submitted due to some personal problem, he could not prosecute the matter at that time. Hence that cannot be taken as a ground to deny his legitimate claim on the post. As the petitioner was not qualified on the date of occurrence of the vacancy, he could not claim for that post. However petitioner had already retired from service on 30.4.2000.

Considering all these aspects, this appeal lacks merit and is dismissed.

K.S.RADHAKRISHNAN
Judge

ANTONY DOMINIC
Judge

mrcs